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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

NEURAUTER, GEORGE C

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/407,300	Applicant(s) MACHIDA ET AL.	
	Examiner George C. Neurauter, Jr.	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16,36-51 and 71-86 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16,36-51, and 71-86 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claims 1-16, 36-51 and 71-86 are currently presented and have been examined.

Response to Arguments

Applicant's arguments filed 28 April 2005 have been fully considered but they are not persuasive.

The Applicant argues that "Windows 95" does not teach a data structure consisting of information acquired by the acquiring units. The Examiner does not agree. Given the broadest reasonable interpretation of the claim as required by MPEP 2111, a data structure that is stored on a storage unit that comprises information stored in parts of the data structure *per se* may be any sort of storage that stores information. As shown in the Final Rejection mailed 19 November 2004, "Windows" 95 discloses the information as required by the claim that is acquired by the domain information acquiring means and the first, second, and third acquiring units and that this information is displayed on a display unit. Therefore, it is inherent within the teachings of "Windows 95" that, in order to display the information, there must contain some sort of storage unit that contains a data structure that stores the information within parts of the data structure to be displayed. Therefore, "Windows 95" does disclose

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a storage unit that contains a data structure that contains parts of the information to be displayed as claimed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

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Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1, 5-11, 36, 40-46, 71, and 75-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Sam's Teach Yourself Windows 95 in 10 Minutes" ("Windows 95").

Regarding claim 1, Sam's discloses an information processing apparatus (page 129, specifically the text "Most networks consist of servers and clients, although some consist solely of workstations...Windows 95 is a client...") connected to a network, comprising:

a communicating unit, arranged to communicate information with each of terminal devices on the network (page 129, specifically the text "Most networks consist of servers and clients...Windows 95 is a client that can attach and share data with various server...and with a peer-to-peer network");

a domain information acquiring unit, arranged to acquire domain information of the network (page 131, specifically the text "...[D]ouble click the Entire Network icon. The Entire

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Network window opens, displaying the networks and/or domains available to you");

a first acquiring unit, arranged to perform an acquisition function, to acquire first information related to the terminal device connected to the network through said communicating unit; (page 131, specifically the text "Double click any server or other computer listed in your Network Neighborhood window to see what resources are available to you. A list of printer, files, folders, or other peripherals may appear.")

a second acquiring unit, arranged to perform an acquisition function, to acquire second information related to a peripheral device which is locally connected, not through the network, to the terminal device whose first information is acquired by said first acquiring unit; (page 131, "Double click any server or other computer listed in your Network Neighborhood window to see what resources are available to you. A list of printer, files, folders, or other peripherals may appear.")

a third acquiring unit, arranged to perform an acquisition function, to acquire a use status of the peripheral device whose second information is acquired by said second acquiring unit (page 111, specifically the text "You can check the status of a print job you've sent by looking at the Print Queue...[A]s you can see, the print queue window displays the information about the

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job", see also Figure 15.3, specifically "Paused" and "Status"; page 129, specifically the text "Access to shared resources, such as printers...; page 132, "To open any...other resource, simply double click the icon representing the resource");

a storing unit, arranged to store a data structure consisting of the domain information acquired by said domain information acquiring unit, the first information acquired by said first acquiring unit, the second information acquired by said second acquiring unit and the use status of the peripheral device acquired by said third acquiring unit, wherein the data structure includes a domain part, one or more terminal device parts included in the domain part, and one or more peripheral parts included in the terminal part, the number of existing terminal parts corresponds to the number of terminal devices acquired by said first acquiring unit, and the number of existing peripheral parts corresponds to the number of peripheral devices acquired by said second acquiring unit; and a display unit ("desktop") for displaying information of the terminal device, whose first information is acquired by said first acquiring unit, connected to the network and information of the peripheral device, whose second information is acquired by said second acquiring unit, locally connected to the terminal device based on the data structure stored in said storing unit, wherein said

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first acquiring unit acquires the first information related to the terminal device connected to the network in the domain corresponding to the domain information acquired by said domain information acquiring unit, and wherein said display unit displays the information of the terminal device connected to the network in the domain corresponding to the domain information acquired by said domain information acquiring unit, the information of the peripheral device locally connected to the terminal device and the use status thereof, based upon the first information acquired by said first acquiring unit, the second information acquired by said second acquiring unit, and the use status acquired by said third acquiring unit. (page 69, Figure 9.1, specifically "Network Neighborhood"; page 132, specifically the text "To open any...other resource, simply double click the icon representing the resource"; page 133, Figure 18.2)

"Windows 95" does not disclose wherein the display unit displays information concerning the peripheral device without a user's operation.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to display information concerning the peripheral device without a user's operation, since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has

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accomplished the same result involves only routine skill in the art. See *In Re Venner*, 120 USPQ 192.

Regarding claim 5, "Windows 95" discloses an information processing apparatus according to claim 1, further comprising a selecting unit, arranged to select a desirable peripheral device by a user from the peripheral devices displayed by said display unit wherein, a set-up operation for using the selected peripheral device is carried out in response to the selecting operation by the user via said selecting unit (page 107, "Installing a Printer"; page 129, specifically the text "Access to shared resources, such as modems and printers"; page 132, specifically the text "To open any...other resource, simply double click the icon representing the resource").

Regarding claim 6, "Windows 95" discloses an information processing apparatus according to claim 1, wherein the peripheral device is a printer device. (page 129, specifically the text "Access to shared resources, such as...printers")

Regarding claim 7, "Windows 95" discloses an information processing apparatus according to claim 1, wherein the peripheral device is a modem device. (page 129, specifically the text "Access to shared resources, such as modems...")

Regarding claim 8, "Windows 95" discloses an information processing apparatus according to claim 1, wherein the

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peripheral device is an image input device. (page 129, specifically the text "Access to shared resources...")

Regarding claim 9, "Windows 95" discloses an information processing apparatus according to claim 1, wherein said first acquiring unit acquires information of a terminal device within a predetermined network domain. (page 131, specifically the text "...[D]ouble click the Entire Network icon. The Entire Network window opens, displaying the networks and/or domains available to you" and "Double click any server or other computer listed in your Network Neighborhood window to see what resources are available to you. A list of printer, files, folders, or other peripherals may appear")

Regarding claim 10, "Windows 95" discloses an information processing apparatus according to claim 1, wherein said display unit displays a terminal device and a peripheral device, which are displayed, by way of display elements, and also displays a connection condition thereof by connecting the respective display elements to each other on a display screen thereof. (page 65, Figure 9.1, specifically "Network Neighborhood"; page 69, Figure 9.2; page 132, specifically the text "You can display...other resources on the network drive in either the Network Neighborhood or the Explorer"; page 133, Figure 18.2)

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Regarding claim 11, "Windows 95" discloses an information processing apparatus according to claim 10, wherein said display unit displays thereon the connection condition of the peripheral device based upon a sort of lines used to connect the terminal device with the peripheral device. (page 65, Figure 9.1, specifically "Network Neighborhood"; page 69, Figure 9.2; page 132, specifically the text "You can display...other resources on the network drive in either the Network Neighborhood or the Explorer"; page 133, Figure 18.2)

2. Claims 2, 37, and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Windows 95" in view of US Patent 6 449 663 to Carney et al.

Regarding claim 2, "Windows 95" discloses an information processing apparatus according to claim 1.

"Windows 95" does not disclose wherein said first acquiring unit, said second acquiring unit, and said third acquiring unit poll the terminal device on the network to acquire both the information and the use status thereof every time a predetermined time period has passed, and said display unit updates, the display content based upon the polling acquired information and use status, however, Carney does disclose these limitations (column 1, lines 18-59, specifically 45-50).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the information processing apparatus as described in "Windows 95" with the apparatus as described in Carney.

Carney discloses that polling a terminal device to acquire information and use status of a peripheral device connected to a computer allows the user to collect information about the device at a regular interval (column 1, lines 46-50)

Based on the specific advantages described above in Carney regarding the use of polling and wherein a nexus exists such that the references are both directed towards acquiring information and a use status of a peripheral device locally connected to a computer through the use of a network, one of ordinary skill in the art would have found it obvious to combine the teachings of these references because one of ordinary skill in the art would have appreciated the specific advantages of the secondary reference and would have been directed to the references due to the nexus connecting the references.

Therefore, it would have been obvious to achieve the limitations as described in the claim.

3. Claims 4, 39, and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Windows 95" in view of "Windows NT Server 4 Unleashed, Second Edition" ("Windows NT").

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Regarding claim 4, "Windows 95" discloses an information processing apparatus according to claim 1.

"Windows 95" does not disclose wherein said first acquiring unit, said second acquiring unit, and said third acquiring unit receive and obtain both the information and the use status notified from the terminal device on the network, and said display unit updates, the display content based upon the notified information and use status, however, "Windows NT" does disclose these limitations (page 448, section "Using the Network Neighborhood", specifically the text "To open the interface for browsing the resource a network has to offer, you double-click the Network Neighborhood icon on the Windows desktop."; page 454, section "Communicating Between Network Servers and the Browse Master", specifically the text "Servers continue to announce themselves to the Master Browser when they start at a rate of about once every minute. As they continue to operate, that announcement time gradually increases until it becomes one every 12 minutes.").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the apparatus as described in "Windows 95" with the apparatus as described in "Windows NT".

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Since a nexus exists such that the references are both directed towards the use of a Network Neighborhood to access computers with locally connected peripheral devices on a network, one of ordinary skill in the art would have found it obvious to combine the teachings of these references because one of ordinary skill in the art would have been directed to the references due to the nexus connecting the references.

Therefore, it would have been obvious to achieve the limitations as described in the claim.

4. Claims 3, 38, and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Windows 95" in view of "The Complete Idiot's Guide to Windows 95" ("Guide").

Regarding claim 3, "Windows 95" discloses an information processing apparatus according to claim 1.

"Windows 95" does not expressly disclose wherein said first acquiring unit, said second acquiring unit, and said third acquiring unit poll the terminal device on the network to acquire both the information and the use status thereof in response to a predetermined operation made by a user, and said display unit updates the display content based upon the polling acquired information and use status, however, "Guide" does disclose these limitations (page 260, specifically the text "You

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can give Explorer a poke in the ribs by selecting the View menu's Refresh command, or by pressing F5")

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the apparatus as described in "Windows 95" with the apparatus as described in "Guide".

Since a nexus exists such that the references are both directed towards using Explorer, one of ordinary skill in the art would have found it obvious to combine the teachings of these references because one of ordinary skill in the art would have been directed to the references due to the nexus connecting the references.

Therefore, it would have been obvious to achieve the limitations as described in the claim.

5. Claims 12-16, 47-51, and 82-86 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Windows 95" in view of "Image of Device Manager in Windows 95" ("Device Manager").

Regarding claim 12, "Windows 95" discloses an information processing apparatus according to claim 10, wherein when said display unit displays the condition of the peripheral device. (page 111, specifically the text "You can check the status of a print job you've sent by looking at the Print Queue...[A]s you can

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see, the print queue window displays the information about the job", see also Figure 15.3, specifically "Paused" and "Status")

"Windows 95" does not disclose wherein said display unit selects an icon corresponding to the condition of a peripheral device from a predetermined icon group to display the selected icon, however, "Device Manager" does disclose these limitations (see icons "?" and "!").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the apparatus as described in "Windows 95" with the apparatus as described in "Device Manager".

"Device Manager" shows that the icon group allows the user to view detailed information about a specific peripheral device (see elements such as "PCI Multimedia Audio Device" and "MS Windows Sound System Compatible").

Based on the specific advantages described above in "Device Manager" regarding the use of multiple icons to display information about a peripheral device and wherein a nexus exists such that the references are both directed towards using a display unit or "desktop" within a common user interface environment such as Windows 95, one of ordinary skill in the art would have found it obvious to combine the teachings of these references because one of ordinary skill in the art would have

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appreciated the specific advantages of the secondary reference and would have been directed to the references due to the nexus connecting the references.

Therefore, it would have been obvious to achieve the limitations as described in the claim.

Regarding claim 13, "Windows 95" and "Device Manager" disclose an information processing apparatus according to claim 12.

"Windows 95" discloses wherein an icon indicates that a peripheral device is busy, and another icon for representing that a peripheral device is not under use (page 111, Figure 15.3, specifically "1 jobs in queue"; page 112, specifically "Empty Print Queue? If no jobs appear in the print queue...").

"Windows 95" does not disclose an icon group, however, "Device Manager" does disclose this limitation as described above regarding claim 12.

Claim 13 is rejected since the motivations regarding the obviousness of claim 12 also apply to claim 13.

Regarding claim 14, "Windows 95" and "Device Manager" disclose an information processing apparatus according to claim 12.

"Windows 95" and "Device Manager" do not disclose wherein the icon group contains an icon for representing the condition

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of the peripheral device by way of a moving picture representation.

However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The operation of the apparatus would be performed the same regardless of the data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability. See *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the nonfunctional descriptive material with the claimed invention because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

Regarding claim 15, "Windows 95" and "Device Manager" disclose an information processing apparatus according to claim 12.

"Windows 95" and "Device Manager" do not disclose wherein the icon group contains an icon for representing the condition of the peripheral device by way of a mesh thereof.

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Claim 15 is also rejected since the motivations regarding the obviousness of claim 14 also apply to claim 15.

Regarding claim 16, "Windows 95" and "Device Manager" disclose an information processing apparatus according to claim 12.

"Windows 95" does not disclose wherein the icon group contains an icon for indicating that a driver program for controlling a peripheral device is not installed in the peripheral device, however, "Device Manager" does disclose these limitations (see icon "!").

Claim 16 is rejected since the motivations regarding the obviousness of claim 12 also apply to claim 16.

6. Claims 36-51 are rejected since claims 36-51 recite a method that contain substantially the same limitations as recited in claims 1-12, 14-15, 13, and 16 respectively.

7. Claims 71-86 are rejected since claims 71-86 recite a storage medium that contain substantially the same limitations as recited in claims 1-12, 14-15, 13, and 16 respectively.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Neurauter, Jr. whose telephone number is (571) 272-3918. The


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examiner can normally be reached on Monday through Friday from 9AM to 5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gcn


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100